

REMARKS

This Amendment is submitted in reply to the non-final Office Action mailed on November 1, 2006. No fee is due in connection with this Amendment. The Director is authorized to charge any fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 117682-2 on the account statement.

Claims 1-6, 11-12, 14-16 and 18-27 are pending in this application. Claims 7-10, 13, 17 and 28-30 were previously canceled. In the Office Action, Claims 5 and 15 are rejected under 35 U.S.C. §112, second paragraph, and Claims 1-6, 11-12, 14-16 and 18-27 are rejected under 35 U.S.C. §103. In response Claims 1, 5, 11, 15, 21, 23 and 25-26 have been amended, and Claim 3 has been canceled. This amendment does not add new matter. In view of the amendment and/or for the reasons set forth below, Applicants respectfully submit that the rejections should be withdrawn.

In the Office Action, Claims 5 and 15 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In response, Claims 5 and 15 have been amended to address the informalities cited by the Patent Office. Based on at least these noted reasons, Applicants believe that Claims 5 and 15 fully comply with 35 U.S.C. §112, second paragraph.

Accordingly, Applicants respectfully request that the rejection of Claims 5 and 15 under 35 U.S.C. §112 be withdrawn.

In the Office Action, Claims 1-6, 11-12, 14-16 and 18-27 are rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 5,756,651 to Chen et al. ("*Chen*") in view of U.S. Patent No. 5,594,095 to Gruber et al. ("*Gruber*"). Applicants believe this rejection is improper and respectfully traverse it for at least the reasons set forth below.

Applicants have amended Claims 1, 11, 21, 23 and 25-26 to recite in part, an organic peroxide in an amount up to 5% by weight of the total composition. For example, the organic peroxide is added to a mixture of the poly(lactic acid) and poly(epsilon caprolactone). The amendment is supported in the specification, for example, at page 7, lines 14-29. Moreover, as understood by the skilled artisan, the specification teaches that an organic peroxide in any amount up to 5% is added to a reaction mixture, for example, having poly(lactic acid) and

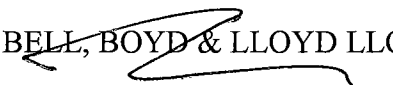
poly(epsilon caprolactone). As a result, the claims as amended require an organic acid. In contrast, Applicants respectfully submit that, even if combinable, all of the claimed elements are not taught or suggested by the cited references.

For example, *Chen* and *Gruber* fail to disclose or suggest an organic peroxide in an amount up to 5% by weight of the total composition as required, in part, by the present claims. Moreover, *Chen* and *Gruber* fail to disclose or suggest that the organic peroxide is added to a mixture of the poly(lactic acid) and poly(epsilon caprolactone). For at least the reasons discussed above, even if combinable, *Chen* and *Gruber* do not teach, suggest, or even disclose all of the elements of Claims 1, 11, 21, 23 and 25-26 and Claims 2-6, 12, 14-16, 18-20, 22, 24 and 27 that depend from Claims 1, 11, 21, 23 and 25-26, and thus, fail to render the claimed subject matter obvious.

Accordingly, Applicants respectfully request that the obviousness rejection with respect to Claims 1-6, 11-12, 14-16 and 18-27 be reconsidered and the rejection be withdrawn.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same.

Respectfully submitted,


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